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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 2nd December, 1977:—

BILL No. 106 OF 1977

A Bill to regulate the prices of essential articles of daily consumption and to prevent profiteering in such articles.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Profiteering Prevention and Price Control Act, 1977.

Short title.

2. In this Act, unless the context otherwise requires, "essential article" means and includes all types of foodgrains, products derived from foodgrains, pulses, spices, domestic fuel including kerosene, edible oils, vegetable ghee, soap, selected and popular variety of cotton, woollen, silken and polyester cloth, sugar, baby-food, paper and paper products, drugs and medicines, and other articles of daily consumption that may be notified by the Central Government in the Official Gazette.

Definition.

3. (1) The Central Government shall by order, notified in the Official Gazette, from time to time, fix the maximum price for the essential articles which may be charged by a dealer from the customers.

Fixation of maximum prices of essential articles.

(2) The maximum price to be fixed under sub-section (1) may be different in different parts of the country for different articles.

Exhibition of fixed price and details of stocks at shops.

4. Every dealer shall exhibit at a conspicuous place at his shop or place of business the fixed price of essential articles and the details of stocks of such articles held by him in the prescribed form

Issue of receipt for every article sold.

5. Every dealer shall issue a receipt in the prescribed form for every article sold by him and every purchaser of such article shall ask for a proper receipt.

Penalty.

6. A dealer who asks for more than the fixed price or refuses to sell the essential articles or contravenes any of the provisions of this Act shall be punished with imprisonment which may extend to five years or with a fine which shall not be less than five thousand rupees or with both.

Offence to be cognizable.

7. An offence punishable under this Act shall be a cognizable offence.

Police to take immediate action on complaint

8. On receipt of a complaint against a person for an offence punishable under this Act, the Station House Officer of the area shall register a complaint in the prescribed form and take immediate action to investigate the matter and arrest such person, and the person so arrested shall be produced before a Magistrate within twenty four hours of such arrest.

Police action on receipt of credible information.

9. (1) Any police officer not below the rank of a Sub-Inspector of Police may arrest a person without warrant on receipt of a credible information that such person is concerned with an offence punishable under this Act, and shall proceed to take action under this Act.

(2) The person arrested under sub-section (1) shall be produced before a Magistrate within twenty-four hours of such arrest.

Order under Essential Commodities Act, 1955 to take effect. Power to make rules.

10. An order under the Essential Commodities Act, 1955 shall have effect notwithstanding the provisions of this Act or rules made hereunder.

10 of 1955.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The rise in prices, particularly in respect of foodgrains and other essential articles of daily consumption, is now to such an extent that both the down-trodden people and the middle-class people are confused as to how they will survive with their families. According to the figures given by the International Labour Organisation at Geneva, between 1963 and 1972, the price index rose by about 95 per cent. in India. That was the highest in the world. To check the rise in prices of essential articles of daily consumption, drastic action on the part of the Government is needed against the profiteers and black-marketeers. Prices of such articles are required to be regulated by Government under an adequate law.

Hence this Bill.

NEW DELHI;
The 14th June, 1977.

K. LAKKAPPA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill seeks to empower the Central Government to make rules to carry out the purposes of the Act. The delegation of legislative powers is of a normal character.

BILL NO. 76 OF 1977

A Bill to provide for the procedure for recognition of Trade Unions.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Trade Unions (Recognition) Act, 1977.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Short
title,
extent
and
commence-
ment.

2. In this Act, the expressions “appropriate Government” and “Trade Union” shall have the same meaning as assigned to them in the Trade Unions Act, 1926.

Definition.

16 of 1926.

3 (1) Where there are more than one Trade Unions registered under the Trade Unions Act, 1926 and the question arises as to which of the Trade Unions should be recognised, the Trade Union which secures the majority of votes of the members of all the Trade Unions in the secret ballot shall be recognised by the appropriate Government.

16 of 1926.

Recogni-
tion of
Trade
Unions by
secret
ballot.

(2) The secret ballot shall be held by the appropriate Government in the manner to be prescribed.

Power to
make
rules.

4. (1) The Central Government shall frame rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules shall provide for the manner in which the secret ballot may be held.

STATEMENT OF OBJECTS AND REASONS

Keeping in view the larger interests of the working class in the country and the desirability of the success of trade union movement, it is necessary that the trade union rivalry must end. In order to achieve this object, the Trade Unions with a truly representative character should be recognised by the Government. There has been a growing demand in the country that the Trade Union that gets the majority of votes in the secret ballot should be recognised.

Hence this Bill.

NEW DELHI;
The 21st June, 1977.

HUKAM CHAND KACHWAL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. Such rules may, in particular, be made in respect of the manner for holding the secret ballot under clause 3. These are matters of detail. The delegation of legislative power is thus of a normal character.

BILL No. 77 OF 1977

A Bill to provide for the fixation of wages and for improvement of working conditions of domestic workers

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Domestic Workers (Conditions of Service) Act, 1977.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

(4) It shall apply to every individual employing one or more workers for domestic work in his house.

Short
title,
extent,
commence-
ment and
appli-
cation.

Definition.

2. In this Act, unless the context otherwise requires,—

- (a) “domestic work” includes cooking, house-cleaning and attending to all other odd jobs connected with the house-hold chore;
- (b) “Government” means the Central Government; and
- (c) “worker” means any person employed for domestic work.

Applica-
tion of
the provi-
sions
of the
Industrial
Disputes
Act, 1947.

3 (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, so far as applicable and subject to the modification specified in sub-section (2), apply to, or in relation to, workers as they apply to, or in relation to, workmen within the meaning of that Act.

14 of 1947.

(2) Section 25F of the aforesaid Act, in its application to workers, shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely:—

- (a) three months in case of workers who have been in continuous service for a period of not less than two years, and
- (b) two months in case of other workers.

Payment
of gratuity
to wor-
kers.

4. Where any worker has been in continuous service whether before or after the commencement of this Act, for not less than one year, and—

- (i) his services are terminated by the employer for any reasons whatsoever, or
- (ii) he voluntarily resigns from service, or
- (iii) he dies while he is in service,

the worker or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, resignation or death, by the employer gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

14 of 1947.

Fixation
of wages
by the
Govern-
ment.

5 (1) The Government may, by order, in consultation with the representatives of the workers from amongst the Unions or Associations of the workers,—

- (a) fix rates of wages in respect of workers; and
- (b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.

(2) The rates of wages may be fixed or revised by the Government in respect of workers for time work and for piece work.

Right to
wages.

6. Every worker shall be entitled to be paid by his employer wages at the rates which shall in no case be less than the rate of wages specified in the order referred to in Section 5.

7. No worker shall be required or allowed to work for more than eight hours during the day, exclusive of the time for meals and leisure. Hours of work.

8 Every worker shall be allowed during a period of seven consecutive days, a rest for a period of not less than twenty-four consecutive hours. Period of rest.

9 Every worker, who has put in a service of six months, shall be entitled every year to the following leave, namely:— Leave entitlement.

Casual leave—12 days

Sick leave—21 days

Earned leave—1/11th of the number of days spent on duty.

10. Every employer of workers for domestic work shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed. Maintenance of registers and records.

11. (1) The State Government may, by notification in the Official Gazette, appoint such persons as they think fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions. Appointment of Inspectors

45 of 1880. (2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code.

12. An Inspector may,—

(a) require any person to produce any register, muster-roll or other documents relating to the employment of workers by him and examine such documents;

(b) take, on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act or any other Act made applicable to the domestic workers are complied with notwithstanding any other authority who may be empowered with the same/powers or any part thereof

Power of Inspectors.

13 If any employer contravenes the provisions of this Act, he shall be punishable with fine which may extend to one thousand rupees notwithstanding any other punishment to which he may be liable for the contravention of any other law for the time being in force governing the domestic workers. Punishment.

14. The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS, AND REASONS

In our country the working conditions of the domestic servants are miserable and primitive. They are required to work for almost 18 hours a day. They are not given any rest or leisure during the day. Their services can also be terminated at any time without notice and without any compensation by their masters.

The domestic servants have been agitating for better service conditions throughout the country. It is, therefore, very essential to regulate their service conditions by a Central Act.

Hence this Bill.

NEW DELHI;

HUKAM CHAND KACHWAI

The 21st June, 1977.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. Such rules *inter alia*, may be made in respect of the maintenance of registers and records, etc. of the employment of workers under clause 10 of the Bill. These are matters of detail which cannot be provided in the Bill. The delegation of legislative power is thus of a normal character.

BILL No 75 OF 1977

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows —

Short
title and
com-
mence-
ment.

1 (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force at once

Amend-
ment of
article 74.

2 To clause (1) of article 74 of the Constitution, the following proviso shall be added, namely:—

“Provided that during the period commencing from the date on which notification is issued for holding general elections to the Lok Sabha and ending with the date on which the notification constituting the new Lok Sabha is issued, the Council of Ministers shall cease to exist and the President shall exercise his functions in his discretion”.

3. To clause (1) of article 163 of the Constitution, the following proviso shall be added, namely:—

Amend-
ment of
article
163.

“Provided that during the period commencing from the date on which notification is issued for holding general elections to the State Assemblies and ending with the date on which all the notifications constituting the new State Assemblies have been issued, the Council of Ministers shall cease to exist in each State and the Governor shall exercise his functions in his discretion.”

Provided further that, where general elections are to be held to some of the State Assemblies only, the Council of Ministers shall not cease to exist in the State or States, in which the elections are not to be held.”.

STATEMENT OF OBJECTS AND REASONS

The elections held under the government of a Party which also contests the elections create an impression in the public mind that Party in power can rig the elections in order to come in power again by unfair means. In order to remove this impression and to show that elections are fair, the Council of Ministers at the Centre and in the States should cease to exist during the period when the general elections to Lok Sabha or State Assemblies, as the case may be, are held and till the new Houses are constituted after the General Elections,

The President/Governors, during these periods, should exercise their functions in their discretion without the aid of the Council of Ministers.

Hence this Bill.

NEW DELHI;
The 21st June, 1977.

HUKAM CHAND KACHWAL.

BILL No. 74 OF 1977

A Bill to provide for precautionary measures by village and district authorities to avoid starvation deaths and for responsibilities therefor.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1 This Act may be called the Starvation Deaths (Precautionary Measures and Responsibilities) Act, 1977.

Short title.

2. It shall be the responsibility of the village and district authorities to ensure that no death occurs due to starvation in the areas under their jurisdiction.

Responsibilities of village and district authorities.

3 Every village Panchayat shall keep a constant watch on the availability of foodgrains and other essential articles of daily consumption to the population in the area under their jurisdiction.

Panchayat to keep watch on food situation in their area.

- Zila Parishad and the District Board to take action on report to be furnished by Panchayat every month.
4. The President of each Panchayat shall furnish by the 5th day of every month a report to the Taluka or the Tehsil Board regarding the food situation in his area and the copies of the report so furnished shall be forwarded by the 10th day of every month by the Taluka or the Tehsil Board with their remarks thereon to the Zila Parishad and the District Board who shall take suitable action to meet the food situation indicated in the report.
- Panchayat to submit weekly reports to District Board in case of acute food shortage.
5. In case the area under a Panchayat suffers from an acute shortage of foodgrains and other essential articles of daily consumption, the President of the Panchayat shall furnish a weekly report of the food situation, with his suggestions to improve the situation to the District Board direct, and copies thereof shall also be forwarded by the President to the Panchayat Samiti, Taluka or Tehsil Board, Zila Parishad and the Panchayat Officer at the district level.
- Tehsil and District Boards to help the Panchayat.
6. The Taluka or Tehsil Board and the District Board in co-ordination shall make all arrangements to rush the necessary supplies to the village and help the Panchayat in all possible ways.
- Zila Parishad to co-ordinate.
7. Zila Parishad shall co-ordinate the activities of the Panchayat, the Taluka or Tehsil Board and the District Board in keeping the food situation under control.
- Responsibility for starvation death.
8. In case there occurs a starvation death in the village, the village Panchayat, the Panchayat Samiti, the Zila Parishad, the concerned officers of Taluka or Tehsil Board and the District Board shall be responsible for such death.
- Penalty for starvation death.
9. Where the various agencies of village and district authorities are responsible for starvation death under section 8, the President and members of the Panchayat, Panchayat Samiti, Zila Parishad and the concerned officers of Taluka or Tehsil Board and the District Board shall be liable to imprisonment which may extend to six months.

STATEMENT OF OBJECTS AND REASONS

Because of frequent droughts and crop failures due to uncertain rains and inadequate irrigational facilities and the consequential food shortages a large number of deaths occur in various parts of the country every year. Though the food shortage is one of the reasons for such deaths, yet the negligence and apathy on the part of the village and district authorities aggravate the situation and are often responsible for such deaths. If the administration is alive to the situation obtaining in the areas under their jurisdiction and take precautionary measures and timely steps to improve the worsening food situation, the starvation deaths can certainly be avoided. In case of such deaths, the various agencies of administration should be made responsible for that and be punished

Hence this Bill.

NEW DELHI;
The 21st June, 1977.

HUKAM CHAND KACHWAL.

BILL No. 108 OF 1977

A Bill to provide for certain restrictions in relation to trade and commerce in, and production, supply and distribution of, liquor and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title, ex-
tent and
com-
mence-
ment.

1. (1) This Act may be called the Liquor (Regulation of Production, Supply and Distribution) Act, 1977.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) “advertisement” includes any notice, circular and other document and also includes any visible representation made by means of any light or sound;

(b) “distribution” includes distribution by way of samples, whether free or otherwise;

(c) "foreign language" means a language which is neither an Indian language nor the English language;

(d) "import", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;

(e) "Indian language" means a language specified in the Eighth Schedule to the Constitution and includes any dialect of such language;

(f) "label" means any written, marked, stamped, printed or graphic matter, affixed to, or appearing upon, any package;

(g) "Liquor" includes all such drinks meant for human consumption which have alcoholic content of more than 5 per cent. but does not include mixtures and liquids used as medicine or used in preparation of medicines;

(h) "package" includes a bottle, barrel, carton, tin or other container;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "production", with its grammatical variations and cognate expressions, includes—

(i) packing, labelling, re-labelling of containers,

(ii) re-packing from bulk packages, and

(iii) the adoption of any other method to render the product marketable;

(k) "sale", with its grammatical variations and cognate expressions, means any transfer of property in goods by one person to another, whether for cash or on credit, or by way of exchange, and whether wholesale or retail, and includes an agreement for sale, an offer for sale and exposure for sale;

(l) "specified warning" means the following warning, namely, "Consumption of liquor is injurious to health".

3. (1) No person shall, directly or indirectly, produce, supply or distribute liquor unless every package of liquor, produced, supplied or distributed by him bears thereon, or on its label, the specified warning.

(2) No person shall carry on trade or commerce in liquor, unless every package of liquor, sold or supplied by him bears thereon, or on its label, the specified warning.

(3) No person shall import liquor for distribution or supply for a valuable consideration or for sale unless every package of liquor so imported by him bears thereon, or on its label, the specified warning.

(4) The specified warning shall appear on not less than one of the largest panels of package in which liquor has been packed for distribution, sale or supply for a valuable consideration.

4. (1) The specified warning on a package of liquor shall be—

(a) legible and prominent;

(b) conspicuous as to size and colour;

Restrictions on trade and commerce in, and production, supply and distribution of liquor.

Manner in which specified warning shall be made.

(c) in such style or type of lettering as to be boldly and clearly presented in distinct contrast to the other type of lettering or graphic material used on the package or its label and shall be printed, painted or inscribed on the package in a colour which contrasts conspicuously with the background of the package or its label.

(2) Every package containing liquor shall be so packed as to ensure that the specified warning appearing thereon, or on its label, is, before the package is opened, visible to the consumer.

Restric-
tions on
advertise-
ments of
liquor.

5. (1) No person shall advertise for the distribution, sale or supply of liquor and no person shall take part in the publication of any such advertisement, unless the specified warning is included in such advertisement.

(2) Every specified warning included in an advertisement shall be conspicuous, legible and prominent.

(3) No person shall, whether directly or indirectly, import, for the purpose of carrying on any trade or commerce in liquor, any document, article or thing, containing any advertisement which violates the provisions contained in sub-section (1) or sub-section (2).

Language
in which
the speci-
fied warn-
ing shall
be ex-
pressed.

6. (1) Where the language used on a package containing liquor or on its label or in any advertisement relating to such package is—

(a) English, the specified warning shall be expressed in the English language;

(b) any Indian language or languages, the specified warning shall be expressed in such Indian language or languages;

(c) both English and one or more Indian languages, the specified warning shall be expressed in English as well as in such Indian language or languages;

(d) partly English and partly any Indian language or languages the specified warning shall be expressed in the English language as well as in such Indian language or languages;

(e) any foreign language, the specified warning shall be expressed in the English language;

(f) partly any foreign language and partly English or any Indian language or languages, the specified warning shall be expressed in the English language as well as in such Indian language or languages.

(2) No package of liquor or its label or any advertisement relating thereto shall contain any matter or statement which is inconsistent with, or detracts from, the specified warning.

Size of
letters.

7. No warning shall be deemed to be in accordance with the provisions of this Act if the height of each letter used in such warning is less than three millimetres.

8. (1) Any police officer, not below the rank of a sub-inspector, may, if he has any reason to suspect that any provision of this Act has been, or is being, contravened, enter and search, at any reasonable time, any factory, building, business premises or any other place where any trade or commerce in liquor is being carried on or liquor is produced, supplied or distributed.

Power of entry and search.

2 of 1974.

(2) The provisions of the Code of Criminal Procedure, 1973, shall apply to every search and seizure made under this Act.

9. (1) If any police officer, not below the rank of a sub-inspector has any reason to believe that, in respect of any package of liquor, the provisions of this Act have been, or are being, contravened, he may seize such package.

Power to seize.

(2) No package of liquor seized under sub-section (1) shall be retained by any police officer for a period exceeding ninety days from the date of the seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure has been made, has been obtained for such retention.

10 Any package of liquor, in respect of which any provision of this Act has been or is being contravened, shall be liable to confiscation.

Confiscation of packages.

Provided that, where it is established to the satisfaction of the court adjudging the confiscation that the person in whose possession, power or control any such package of liquor is found is not responsible for the contravention of the provisions of this Act, the court may, instead of making an order for the confiscation of such package, make such other order authorised by this Act against the person guilty of the breach of the provisions of this Act as it may think fit.

11. (1) Whenever any confiscation is authorised by this Act, the court adjudging it may, subject to such conditions as may be specified in the order adjudging the confiscation, give to the owner thereof an option to pay, in lieu of confiscation, such costs, not exceeding the value of the package in respect of which confiscation is authorised, as the court thinks fit.

Power to give option to pay costs in lieu of confiscation.

(2) On payment of the costs ordered by the court, the seized packages shall be returned to the person from whom they were seized on condition that such person shall, before making any distribution, sale or supply of such packages, get the specified warning incorporated on each such package or on its label.

12 Any person who carries on any trade or commerce in or who produces, supplies or distributes, liquor shall, if any package of such liquor does not contain the specified warning, be liable to pay a penalty not exceeding five times the value of the package of liquor or one thousand rupees, whichever is more, whether or not such package of liquor has been confiscated or is available for confiscation.

Liability to penalty.

13. No confiscation made, costs ordered to be paid or penalty imposed under this Act shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act or under any other law.

Confiscation or penalty not to interfere with other punishment.

Adjudi-
cation.

14. Any confiscation may be adjudged, costs may be ordered to be paid or penalty may be imposed,—

(a) without any limit, by the principal civil court of original jurisdiction within the local limits of whose jurisdiction such confiscation has been made, costs have been ordered to be paid, or penalty has been imposed, as the case may be;

(b) subject to such limits as may be specified by the Central Government in this behalf, by such other court, not below a civil court having pecuniary jurisdiction exceeding rupees five thousand, as the Central Government may, by notification in the Official Gazette, authorise in this behalf.

Giving of
opportu-
nity to
the owner
of seized
packages.

15. (1) Order adjudging confiscation or directing payment of costs or imposing penalty shall be made only when the owner of the package of liquor has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such package, and giving him a reasonable opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the confiscation or imposition of penalty mentioned therein, and, if he so desires, of being heard in the matter:

Provided that, where no such notice is given within a period of ninety days from the date of the seizure of the package of liquor, such package shall be returned, after the expiry of that period, to the person from whose possession it was seized.

(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908 shall, as far as may be, apply to every proceeding referred to in sub-section (1).

5 of 1908

Appeal.

16. (1) Any person, aggrieved by any decision of the court adjudging a confiscation, ordering the payment of costs or imposing a penalty, may prefer an appeal to the court to which an appeal lies from the decision of such court.

(2) The appellate court may, after giving to the appellant an opportunity of being heard, pass such order as it thinks fit confirming, modifying or reversing the decision or order appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence, if necessary:

Provided that an order enhancing any penalty or fine in lieu of confiscation or confiscating goods of greater value shall not be made under this section unless the appellant has had an opportunity of making a representation and, if he so desires, of being heard in his defence.

(3) No further appeal shall lie against the order of the court of appeal.

Penalty.

17. Any person who,

(a) sells, or distributes or supplies in the course of any trade or commerce, any package of liquor which does not contain, either on the package or on its label, the specified warning, or

(b) produces, or supplies or distributes in the course of any trade or commerce, any package of liquor which does not contain, either on the package or on its label, the specified warning, or

(c) advertises or takes part in the advertisement of liquor if such advertisement does not include the specified warning,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to five thousand rupees, or with both.

18 (1) Where an offence under this Act has been committed by a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences
by com-
panies

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence

(2) Notwithstanding anything contained in sub-section (1) where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be proceeded against and punished accordingly.

Explanation.—for the purpose of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

19. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be liable.

Offences
to be cog-
nizable
and bail-
able

(2) For the avoidance of doubts, it is hereby declared that every offence punishable under this Act shall be cognizable.

20. No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or any State Government for anything which is in good faith done or intended to be done under this Act.

Protection
of action
taken in
good
faith

21. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power
to make
rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which the seizure of any package of liquor shall be made and the manner in which seizure list shall be

prepared and delivered to the person from whose custody any package of liquor has been seized;

(b) procedure for the refund of any penalty imposed under this Act;

(c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Consumption of liquor is not only a social evil and vice but also the cause of many serious ailments. It cannot also be denied that consumption of liquor is responsible to a great extent for commission of crimes and violation of laws. Besides, it weakens the human character and slackens the nation-building efforts. There may perhaps be some benefit of it in the cold climate of European countries but its use here in India does no good.

Government have taken some action towards checking cigarette smoking but have taken no steps so far to check the consumption of liquor which is far more injurious than cigarettes. Display of the warning "consumption of liquor is injurious to health" on liquor bottles is a step towards prohibition and it is inspired with the spirit of national and public good.

Hence the Bill.

NEW DELHI;
The 30th June, 1977.

RAM GOPAL SINGH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government to make rules to carry out the provisions of the Bill. The matters in respect of which such rules may be made relate to the manner in which the seizure of any package of liquor shall be made and the seizure list prepared and handed over to the person from whose custody the seizure was made, and the procedure for refund of penalty. These are matters of procedure and detail. It is hardly practicable for these matters of procedure and detail to be provided in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL No. 115 OF 1977

A Bill to amend the Indian Medicine Central Council Act, 1970.

BE it enacted by Parliament in the Twenty-eighth year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medicine Central Council (Amendment) Act, 1977.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

48 of 1970.

2 In section 2 of the Indian Medicine Central Council Act, 1970 (hereinafter referred to as the principal Act), after clause (e) of sub-section (1) the following clause shall be inserted, namely:—

Amend-
ment of
section 2.

‘(ee) “integrated system of medicine” means a system of medicine which covers a combined study, training and practice in all branches of Indian system of medicine and modern scientific medicine, including surgery and Kaumar Bhritya;’.

Amend-
ment of
Section 17

3. In section 17 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Nothing contained in any law for the time being in force shall affect adversely the rights of such practitioners in integrated system of medicine as may be carrying on practice in integrated system of medicine in any part of India at the commencement of the Indian Medicine Central Council (Amendment) Act, 1977.”

Amend-
ment of
the Second
Schedule

4. In the Second Schedule to the principal Act, after Part II, the following Part shall be added, namely:—

“PART III—INTEGRATED SYSTEM OF MEDICINE

Any medical qualification in integrated system of medicine granted by any University, Board or other medical institution in India existing at the commencement of the Indian Medical Central Council (Amendment) Act, 1977.”

STATEMENT OF OBJECTS AND REASONS

There are more than fifty thousand medical practitioners in India who are practising integrated system of medicine. They have obtained degrees from recognised medical colleges or from medical institutions recognised by various universities or the Board of Medical Education of a State. The education in integrated system of medicine has been going on for many years and the graduates awarded degrees in this system continue to receive full practical as well as theoretical training in modern medicine including surgery and Kaumar Bhritya. Such a graduate has to undergo a regular course of training in an institution for four to six years. The said course includes study of Ayurveda and modern medicine.

Such practitioners, at present, have been grouped in the Second Schedule to the Indian Medicine Central Council Act, 1970, with the graduates in Ayurveda only or such practitioners as are not fully proficient in the actual practice.

In the course of discussion on the said Act in the Lok Sabha on the 10th December, 1970 an assurance was given that the medical practitioners in integrated system of medicine will be put under a separate part in the Second Schedule. Since it has not been done, it has become necessary to amend the Act.

Since it concerns the practice and rights of more than fifty thousand medical practitioners, it is necessary to bring forward the proposed amendment to the said Act.

Hence this Bill.

NEW DELHI;
The 9th July, 1977.

LAXMINARAYAN PANDEYA

BILL NO 110 OF 1977

A Bill to provide for prohibition on indication of caste, religion, community or region, etc. with the name.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title,
extent and
commence-
ment.

1. (1) This Act may be called the Prohibition on Indication of Caste Act, 1977.

(2) It extends to the whole of India.

(3) It shall come into force three months after the date on which it receives the assent of the President.

Prohibi-
tion on
indica-
tion of
caste, etc.

2. Any prefix or suffix to the name of any citizen of India indicating caste, religion, community, region or any direct or indirect use of any such word or words which may go against the establishment of a secular and classless society, is hereby prohibited.

Penalty.

3. Any person who acts in contravention of the provisions of this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

4. (1) The Government shall give regular publicity to the provisions of this Act for a period of five years from the commencement of this Act.

Publicity
by Gov-
ernment.

(2) The publicity shall be made through various official and non-official mass publicity media including newspapers, radio, television and cinema.

STATEMENT OF OBJECTS AND REASONS

In our Constitution is enshrined the cherished goal of the people of India to secure to themselves a social order in which justice, social, economic and political, shall inform all the institutions of the national life. A duty has been enjoined upon the State to promote the welfare of the people in a way that not only that no citizen is discriminated on grounds only of caste, race, religion or region in any matter, but also to ensure that equal opportunities are available to all the citizens. But the caste system in India has kept this cherished goal a distant dream even today. Apart from the caste system, a bias for the religion, region and community in our mind has also hampered the evolution of a really classless, secular and democratic society and achievement of complete national integration. In order to eliminate nepotism, corruption, and favouritism and to be able to have a classless and democratic society and to provide all the citizens with equal opportunities, we shall have to liberate our mind from these retrograde and obsolete concepts. Such reactionary attitudes will have to be discarded if the egalitarian principles of the Constitution are to inform our social life.

Hence this Bill.

NEW DELHI;

D. D. DESAI.

The 8th August, 1977.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for publicity of the provisions of this Bill. It will involve an annual recurring expenditure of about two lakh rupees from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

BILL NO. 136 OF 1977

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-Eighth Year of the Republic of India as follows:—

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1977.

(2) It shall come into force—

(i) in the Union territories within a period of six months from the date on which it receives the assent of the President, and

(ii) in the States on such dates as the respective State Governments may, by notification in their Official Gazettes, appoint.

2. After article 23 of the Constitution, the following new articles shall be inserted, namely:—

Insertion
of new
articles
23A, 23B
and 23C.

"23A. (1) All citizens shall have the right to work and shall be entitled to adequate means of livelihood.

Right to
employ-
ment.

(2) Failing to procure such means as referred to in clause (1), every citizen shall be entitled to an unemployment allowance to be paid by the State.

23B. (1) All children until they complete the age of fourteen years shall have the right to free education.

Right to
free and
compulso-
ry educa-
tion.

(2) Education shall be compulsory for all children until they have completed the age of fourteen years.

23C. The State shall provide monetary assistance to every citizen who has completed the age of sixty years, or remains sick, or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself."

Monetary
assistance
to old,
sick
and dis-
abled.

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution states among other things "The State shall, in particular, direct its policy towards securing—(a) that the citizens, men and women equally, have the right to an adequate means of livelihood". Article 41 of the Constitution enjoins upon the State to make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement. Similarly, article 45 of the Constitution enjoins upon the State to provide for free and compulsory education for all children until they complete the age of fourteen years.

But these rights are only in the nature of Directive Principles of States Policy. They are not justiciable and there is no legal sanction behind them. The focal point of the State activity, in the economic sphere, ought to have been the achievement of these objectives. Whereas enough lip sympathy has been showered on those condemned to remain unemployed, the measures taken to combat unemployment have proved far from effective. Employment has become everyone's birth-right in Swaraj. Nothing can shake our peoples' faith in the democratic system than the nation's failure to provide employment to all able bodied citizens. Failing this, the minimum the State should do is to provide for unemployment insurance.

The State cannot, in fairness and good conscience, by its neglect, inaction or omission allow the dilution or diminution of Directive Principles which it has been directed to preserve and forbidden to infringe.

The Bill seeks to give legal effect to what is contained in articles 41 and 45 and make these rights justiciable and Fundamental Rights. Unless these rights are clothed with legal sanction, they will remain nugatory and of no significance as hitherto they have been.

NEW DELHI;
The 7th October, 1977.

Y. P. SHASTRI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill, provides for adequate means of livelihood, failing to procure such means of livelihood, every citizen shall be entitled to an unemployment allowance. Besides, assistance is to be given to every citizen who has completed the age of sixty years or remains sick or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself.

There are 9.33 million job seekers on the live register of employment exchanges.

According to the statistics 5.2 per cent of the population is aged 60 years and over.

Therefore, there is a need for provision for expenditure on these accounts. The total estimated expenditure on the unemployment allowance will come to about Rs. 400 crores annually. The expenditure over the assistance to be provided to the old citizens in their bad days is estimated to be Rs. 150 crores.

Besides, clause 2 also provides for free education to the children who are below the age of fourteen. Although the education is the responsibility of the State, the Central Government will have to make some grants towards this to assist States in these programmes. Such expenditure is estimated to be Rs. 50 crores.

There is no non-recurring expenditure involved in the Bill.

It is not possible to give precise details of the total expenditure involved at this stage.

BILL NO 139 OF 1977

A Bill to provide for abolition of social disparities, casteism and removal of educational, social and economic backwardness of Harijans, Grijans and other backward classes

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

Short
title, com-
mence-
ment and
extent.

1. (1) This Act may be called the Indian Social Disparities Abolition Act, 1977.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Defini-
tions.

2. In this Act, unless the context otherwise requires,—

(a) “social disparity” means disparity in society because a section of citizens is victim of discrimination, untouchability and social backwardness arising out of casteism based on birth;

(b) "Backward Classes Commission" means the Commission appointed under the Chairmanship of Pandit Kaka Kalelkar on the 29th January, 1953 by the President of India under article 340(1) of the Constitution whose report was presented to the President on the 30th March, 1955 for implementation,

(c) "financial assistance" means assistance to be provided compulsorily to the students of backward classes in pursuance of the recommendations of the Kaka Kalelkar Commission;

(d) "Government" means the Government of India and the Government of a State;

(e) "*Harijans* and *Girijans*" means the communities or citizens mentioned as Scheduled Castes and Scheduled Tribes in the Constitution of India and recognised as such by the Government;

(f) "other Backward classes" means socially and educationally backward Hindus, Muslims or other minorities or citizens listed, Statewise, in the Indian Backward Classes Commission Report, 1955 which shall be published by the Government in the Gazette for the purposes of this Act;

(g) "special provision" means a provision embodied in the form of exceptions in articles 15(4), 16(4), 46 and 335 of the Constitution.

3. 70 per cent of the seats shall be reserved for Harijan, Girijan, minority community and other backward class students in the 1st year of all the vocational colleges, such as, medical, engineering, agricultural and technological colleges and central schools.

Reserva-
tion in
educa-
tional In-
stitution.

4. (1) There shall be a special provision for reservation of posts for candidates belonging to the other backward classes in direct recruitment to the Central and State services which shall be as under:—

Reserva-
tion of
posts in
services.

Class I	25%
Class II	33%
Class III	33%.
Class IV	40%.

Explanation: The above formula shall apply in case of promotions also. A relaxation of 5 years shall be given to the candidates belonging to these classes in the prescribed age limit for recruitment.

(2) The reservation in the services for the Harijans and Girijans shall be as follows:—

	Class I	Class II	Class III	Class IV
Scheduled Castes	15%	15%	18%	12%
Scheduled Tribes	7%	2%	2%	2%
Women and physically handicapped persons	4%	4%	3%	2%
Handicapped military personnel and the dependents of those killed during Indo-Pak War	5%	3%	2%	2%
Dependents of freedom fighters	4%	3%	2%	2%

(3) The posts so reserved under sub-sections (1) and (2) shall be filled through competition or selection from amongst the candidates belonging to other backward classes or Harijans and Girijans, as the case may be, for whom the posts have been reserved, and in case *Harijan* and *Girijan* candidates are not available to fill the posts reserved for them in a year, these posts may be filled by suitable candidates of other backward classes

Period of reservation.

5. The provision of reservation shall be temporary and shall cease to have effect on the expiration of a period of 15 years from the date of commencement of this Act.

Extension of period of reservation.

6. If the Government is satisfied that there is no adequate representation of members of backward classes in the services, the Government may extend this period of reservation through a notification.

Statement to be laid on the Table of each House of Parliament.

7. It shall be the duty of Government to lay on the Table of each House of Parliament a statement regarding the implementation of section 4 of this Act during budget session every year.

Financial assistance and making rules therefor

8. (1) The Government shall make rules for providing financial assistance and giving priorities to students belonging to backward classes in pursuance of the recommendations of the Kaka Kalelkar Commission.

(2) Every rule made under this Act shall be laid before each House of Parliament and the Legislative Assembly of every State for approval.

Prohibition on indication of caste.

9. Indication of caste in the name of a person or institution shall be prohibited.

Preference in services in case of inter-caste marriage.

10. A young person—male or female—who goes in for inter-caste marriage shall be given preference, according to his or her ability, in the Central and State services or in setting up small scale industry.

Compulsory free education for women.

11. (1) The Government shall set up girls schools at panchayat level to impart free education at least upto 10th class.

(2) It shall be compulsory for Harijan and Girijan women to receive education.

Repeal of inconsistent laws, rules and orders.

12. All laws, rules and orders relating to recruitment, in so far as they are inconsistent with the provisions of this Act, shall be deemed to have been repealed.

Evolution of a uniform pattern of education.

13. The Government shall evolve a uniform pattern of education for all citizens.

14. All the public schools in the country shall be acquired and socialised by the Government.

Acquisition and socialisation of public schools.

15. (1) The priests in the prominent temples in the country shall not be from any particular caste or community (2) Every citizen shall be entitled to enter any temple as also to serve as its priest.

Casteless priest and entry in temples.

16. Only the cultivator shall be the owner of the cultivable land.

Cultivator to be owner of land.

17. Every landless agricultural labourer family shall be entitled to have a plot or a pucca built house in the village

Housing facility

18 (1) Exploitation of Harijans, Girijans, poor persons and members of the weaker sections of society shall be stopped and the cases of beating, forcible occupation of land and atrocities shall be registered and investigated as State cases.

Stopping of exploitation and setting up of mobile courts.

(2) The Government shall set up mobile courts to punish the offenders.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to remove educational, social and economic backwardness of oppressed and backward classes. Casteism is responsible for social backwardness. Even 30 years after attainment of independence, untouchability is still practised in all parts of the country. The object of the Bill is to make the country strong. The enactment of this Bill shall ensure the setting up of an egalitarian society and equality for all.

The provision of reservation being made in this Bill is to give effect to the main recommendation of the Kaka Kalelkar Commission. The policy of special provisions will go a long way to remove casteism and also ensure representation of the weaker sections of the society, discriminated against for centuries in Class I posts—The official figures have revealed that the percentage of the people of backward classes in services is negligible. The reserved quota for Harijans and Girijans in services is not being filled. The enactment of this Bill will remove the shortfalls of the last 30 years. All sorts of exploitations, atrocities etc. being perpetrated on the poor will be put an end to. The Bill, if enacted, will lead to the fulfilment of the promises made by Janata Party and ensure implementation of the Articles of the Constitution which relate to the uniform pattern of education, dignity of an individual in the society and economic equality.

Hence, this Bill seeks to make the Government responsible to ensure equality for all and to make good citizens.

NEW DELHI;
The 18th October, 1977,

ROOP NATH SINGH YADAV.

FINANCIAL MEMORANDUM

The Bill provides financial assistance to students of backward classes, setting up of girls schools at panchayat level, free education to women upto 10th class, acquisition of all public schools in the country, giving of a plot or pucca house to all landless agricultural labourers, and setting up of mobile courts (clauses 8, 11, 14, 17 and 18). It is not possible to give a precise estimate of such expenditure. However, the Bill, if enacted, is likely to involve several crores of rupees annually, a part of which will be incurred from the Consolidated Fund of India in respect of Union territories and towards grants-in-aid that may be made to States for implementing the provisions of the Bill

Non-recurring expenditure is also likely to be incurred though it is not possible at this stage to give a precise estimate of the same.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Government to make rules for providing financial assistance and giving priorities to students of backward classes. As these rules will be in the nature of working out details of financial assistance, etc, the delegation of rule making power is of a normal character.

BILL NO. 138 OF 1977

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1977. Short title
and com-
mence-
ment.
- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
2. In clause (3) of article 80 of the Constitution, after the word "Literature", the word "defence" shall be inserted. Amend-
ment of
article
80.

STATEMENT OF OBJECTS AND REASONS

The President of India by virtue of article 80 of the Constitution has the right to nominate 12 members in accordance with the provisions of clause 3 of the said article. While nominating members President is required to give regard to persons having special knowledge or practical experience in respect of matters such as literature, science, art and social service. Clause (3) of article 80 does not include in its ambit the consideration and nomination of persons having special knowledge or practical experience in respect of defence matters. The whole nation is indebted to the services rendered by the Defence forces and it would be in fitness of things if persons having special knowledge or practical experience in defence matters are also nominated to the Council of States. The nomination of such persons would be highly beneficial inasmuch as the Parliament and the country would be able to have the advantage of their special knowledge and experience in defence matters which at present is not available until and unless such persons after retirement or resignation undergo the ordeal of standing in election to Lok Sabha which in the cases of such persons is not feasible. With this aim in view, the proposed amendment is being sought.

Hence the Bill.

NEW DELHI;
The 24th October, 1977.

OM PRAKASH TYAGI.

BILL No. 140 OF 1977

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1977. Short title.

5 of 1908. 5 2. In Order XVII of the Code of Civil Procedure, 1908, in rule 1, in the proviso to sub-rule (2), parts (c), (d) and (e) shall be deleted. Amendment of Order XVII

STATEMENT OF OBJECTS AND REASONS

During the period of Emergency, the then Government, in its zeal to undermine the dignity and status of the lawyers and law-Courts, amended the proviso to sub-rule (2) of rule 1 of Order XVII of the Code of Civil Procedure, 1908 which amendment came into effect on 1-2-77. Parts (c), (d) and (e) of the proviso as amended put an impediment on the discretion of the Courts in the grant of adjournment. The entire system of legal justice desires the public to have full faith in the common-sense, sense of justice and uprightness of a Civil Judge. But the Parliament doubted it during Emergency and hence put the bar in the way of the exercise of the discretion of the courts by way of the said amendment. Similarly the uprightness of an advocate was doubted. Experience shows that an advocate does not seek adjournment on his personal grounds. Further the emergency amendments are putting the poor class of litigants to a serious financial pressure if they are required to change the counsel off and on.

Hence the Bill.

NEW DELHI;
The 1st November, 1977

NIRMAL CHANDRA JAIN.

BILL NO. 137 OF 1977

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1977

Short
title

2. In article 352 of the Constitution,—

Amend-
ment of
article 352

(a) in clause (1), the words “or internal disturbance” and the words “in respect of the whole of India or of such part of the territory thereof as may be specified in the Proclamation” shall be omitted;

(b) in clause (2),—

(i) in sub-clause (a), the words “or varied” shall be omitted;

(ii) in sub-clause (c),—

(a) for the words “two months”, the words “one month” shall be substituted;

(b) for the words "by resolutions of both Houses of Parliament", the words "by a resolution passed in each House of Parliament by a majority of the total membership of that House and by a majority of not less than two-thirds of the members of that House present and voting" shall be substituted;

(c) in the proviso, for the words "two months", the words "one month" shall be substituted;

(d) after sub-clause (c), the following sub-clause shall be inserted, namely:—

"(d) shall, notwithstanding anything contained in this article, cease to operate at the expiration of fifteen days after the war or external aggression ceases";

(c) clause (2A) shall be omitted;

(d) in clause (3), the words "or by internal disturbance" and the words "or disturbance" shall be omitted;

(e) clause (4) shall be omitted, and

(f) clause (5) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 352 of the Constitution provides for the Proclamation of Emergency. It has specifically mentioned two sets of circumstances namely (i) threat of war or external aggression and (ii) threat of internal disturbance.

Experience, in the recent past, has proved beyond doubt, that the ruling party may take advantage of the later ground to subserve its partisan interest and do away with all the democratic rights and liberties of the people safeguarded in the Constitution. It is therefore felt that the second ground should be done away with.

Experience has further proved that the power to proclaim Emergency may be arbitrarily exercised in order to establish dictatorial regime. It is therefore felt that adequate safeguards should be provided against such mischief.

The object of the Bill is to provide the required safeguards against such possible mischiefs.

NEW DELHI;
The 1st November, 1977.

CHITTA BASU,

AVTAR SINGH RIKHY,
Secretary.

